

JUL 11 2011

FCC Mail Room

This is an appeal regarding Notification of Commitment Adjustment Letter**dated April 20, 2011 regarding: FRN# 1372310****CC Docket No. 02-6**

Contact: Mr. Tom Burris, Superintendent-Truth or Consequences Municipal Schools
Alternate Contact: Theresa Crawford, Data Coordinator- Truth or Consequences Municipal Schools
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Telephone: 575-894-8152 / Fax: 575-894-7532
Email: tburris@torschools.net or tcrawford@torschools.net

Form 471: 498459

FRN: 1372310

BEN Entity Name: Truth or Consequences Municipal Schools

BEN: 143309

FCC Registration Number: 0014218176

Our appeal is in regards to the following language listed on the Notification of Commitment Adjustment Letter: "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of review it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The applicant could not provide vendor evaluation worksheets or the bid evaluation matrix during the review process."

Truth or Consequences Municipal Schools Appeal:

Truth or Consequences, NM is a rural area. With that in mind the school district is at the mercy of sole providers for services such as those requested from Qwest to service Arrey Elementary School for their telecommunication needs. Since Qwest is the sole provider for this area we had no other bids or request from other providers. With their price being appropriate for services needed, we secured their services for our telecommunication needs. Please take this into consideration for FRN# 1372310 as we went with the only resource provided to our area. Please see attached documentation from Qwest.

If you have any other questions or would like to speak to someone about this letter, please feel free to call 575-894-8152 at any time.

Sincerely,



Mr. Tom Burris
Superintendent
Truth or Consequences Municipal Schools

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Qwest.

Spirit of Service™

July 5, 2011

To whom it may concern:

Please be advised that Qwest Local Exchange Carrier (LEC) and is the sole source for local telecommunication services in Arrey, NM. Please be advised that Qwest Corporation owns and maintains all network facilities (e.g. fiber, copper wire cables, equipment, etc.) between the demarcation point in your respective building(s) and the Qwest central office or other Qwest network facilities. As such, Qwest can and does provide voice and data services to those it that serving area under FCC and State tariff rates.

If you have any questions, please contact me.

Best Regards,



Lee Reynolds

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Bob Spiller
USAC OMBUDSMAN

Greetings Bob

I have called a couple of times trying to talk with you. I have a dilemma in the school district in which I am the superintendent. I came to the district in 2008 and over the next year I worked to understand the dynamics of the personnel in the district. In the fall of 2008 I was presented with a contract between Decision Tree and the district for e rate internal connection services. I was told that this was a multiyear contract and it had been through the RFP process. Over the next year I observed and heard conversations about Decision Tree and the services provided. In the fall of 2009 I was presented with another "multiyear" contract with Decision Tree. This time the request had jumped by 50% and there was no new RFP. I began questioning our procedures and ultimately contacted our school district lawyer and the New Mexico State Auditor. I also contacted Funds For Learning and had them perform an audit. I came under quite a bit of criticism for the decision from my "Technology Director" and the "Technology Specialist" who actually completed all of our e rate applications and requirements. They said that E rate had audited the district in early 2008 and found no problems.

The FFL report did point out problems and I reported this to the State Auditor. The State Auditor referred the findings to USAC.

The result was a selective review of the last five years. And, in the interim the Technology Director and the Technology Specialist have both resigned from the district.

The selective review has revealed a myriad of issues and we have been very helpful and compliant in the review. The issue is that USAC may be requesting funds due to the findings of the selective review. We are a small school district and the initial findings of the selective review will be detrimental to kids. I know that you are aware of federal funding issues but the State of New Mexico educational funding is, as has been reported, "In Crisis". I have used attrition to reduce staff, cut some electives and had students pay for educational field trips. The selective review findings could constitute about 1.7% of my budget. I am trying to stay ahead of the declining state budget and this reduction, if required, would impact the school district budget greatly.

I intend to appeal the individual findings of the selective review team. I have made changes in the process and I am confident that we are in compliance. As I stated, the personnel who were in charge of e rate have resigned from the district. I am the one who discovered the problem and through due diligence self reported.

The funds in question were used appropriately and did benefit students. The procedure/documentation was flawed on our part. I do not have a copy of the audit that was done in 2008 but we "passed with flying colors". We are in a very rural area of the state and in some cases that limits vendors. The closest city is Albuquerque which is a 2.5 hour drive. QWEST is our only option for some of our services and in town, WindStream is the only provider. One of the findings is a web site page. I asked the former technology director to look at several of the vendors, which he did, but we are not able to locate the documentation. When he left the district he deleted all of his e mail and cleaned out his office.

I am appealing to USAC on the grounds that I found and dutifully reported the issues and have taken corrective steps to make sure this will not happen in the future. Your understanding and leniency would be greatly appreciated.

Please give me a call when you have a minute!

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Burris", with a long horizontal flourish extending to the right.

Tom Burris
Superintendent of Schools
Truth or Consequences Municipal Schools
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